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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,843	08/01/2003	Victor Barouh	US 1347/03(U)	1039

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EXAMINER

WONG, STEVEN B

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/631,843		BAROUH, VICTOR	
	Examiner		Art Unit	
	Steven Wong		3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-23-2003</u> . | 6) <input type="checkbox"/> Other: ____ |

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Claims Rejections – 35 USC 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-10, 12-17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strong in view of Antonious and Vlach. Regarding claims 1, 2, and 13, Strong discloses a golf tee construction comprising a tee having a shaft with a pointed end, a height adjust member (26) slidably positioned on the shaft and a plurality of vertically spaced slots (36, 38, 40, 42, 44, 46, 48, 50) separated by a ring that holds the height adjustment member in one of the slots. However, Strong lacks the teaching for height adjustment member to have first and second arrows thereon.

Antonious reveals a golf tee including a plurality of slots (22, 24, 26) each separated by a ring and a height adjustment member (30). Note Figure 2 and column 2, lines 25-34 disclosing a straight edge (34) that is used to align the golfer with respect to the ball. It would have been obvious to one of ordinary skill in the art to provide the height adjustment member of Strong with the straight edge of Antonious in order to allow the golfer to better align himself with the ball.

Vlach reveals a golf tee including a tee alignment member (10) that includes an arrow extending therefrom to allow the golf to align himself. It would have been obvious to one of ordinary skill in the art provide the height adjustment member of Strong as modified by

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Antonious with an arrow as taught by Lazow in order to provide a more distinct indicia for aligning the golfer.

Regarding claims 3 and 15, note Figure 8 of Vlach showing the arrows extending beyond the perimeter of the disc.

Regarding claims 4, 6 and 14, the member of Vlach teaches for the disc to be integral and coplanar with the arrows.

Regarding claims 5 and 16, note column 3, lines 23-26 of Strong teaching a plastic material for the tee.

Regarding claims 8, 9 and 19, Strong teaches for the disc to have a central hole (30) that is smaller than the diameter of the shaft portion (note Figure 5 and column 2, lines 53-60). The passage states that the disk tightly fits the member in the elongated member thus, indicating that the diameter of the hole is smaller than the diameter of the shaft portion.

Regarding claims 10 and 17, note Figure 5 showing the diameter at the rings being greater than the diameter of the shaft at the slots (36, 38, 40, 42, 44, 46, 48, 50).

Regarding claims 12 and 20, it would have been obvious to one of ordinary skill in the art to form the tee of Strong with nine slots in order to provide a wide variety of height for the user to tee the ball.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strong in view of Antonious, Vlach and Cabot. Cabot discloses a golf tee construction including a height adjustment member (60) having a knurled perimeter. It would have been obvious to one of ordinary skill in the art to form the height adjustment member of Strong as modified by

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Antonious and Vlach with a knurled perimeter in order to increase the grip of the user on the height adjustment member.

4. Claims 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strong in view of Antonious, Vlach and Thompson. Thompson discloses a golf tee construction including a height adjustment member (1) wherein the slots on the tee are longer than the rings (4b). It would have been obvious to one of ordinary skill in the art to provide slots on the tee of Strong greater in length and the axial length of the rings in order to accommodate height adjustment members of greater thickness.

Conclusion

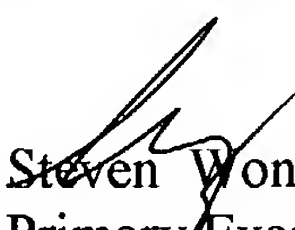
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 703-308-3135. The examiner can normally be reached on Monday through Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven Wong
Primary Examiner
Art Unit 3711

SBW
June 1, 2004